



2035017

 FILED
 U.S. DISTRICT COURT
 DISTRICT OF COLORADO

2004 DEC 21 AM 11:31

 IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF COLORADO

BY _____ DEP. CLK

 THE UNITED STATES OF AMERICA
 and THE STATE OF COLORADO,

Plaintiffs,

v.

ASARCO, INCORPORATED,

Defendant.

Civil Action No. 04-RB-2070 (CBS)

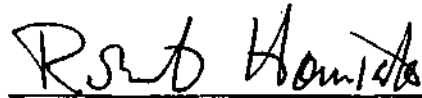
UNITED STATES' MOTION FOR ENTRY OF CONSENT DECREE

Plaintiff, the United States, respectfully requests that the Court enter the proposed Consent Decree that was previously lodged herein on October 6, 2004. As discussed in the United States' "Notice of Lodging," Section 122(d)(2) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9622(d)(2) requires that the public be given the opportunity to comment on proposed settlements requiring the cleanup of sites contaminated with hazardous substances. The public comment period has expired and no public comments were received.

Accordingly, the United States requests that this Court enter the proposed Consent Decree as a final judgment in this matter by signing the Decree on page 36. A Memorandum of Points and Authorities accompanies this Motion.

Respectfully submitted,

THOMAS L. SANSONETTI
Assistant Attorney General
Environment and Natural Resources
Division

A handwritten signature in dark ink, appearing to read "Robert R. Homiak", is written over a horizontal line.

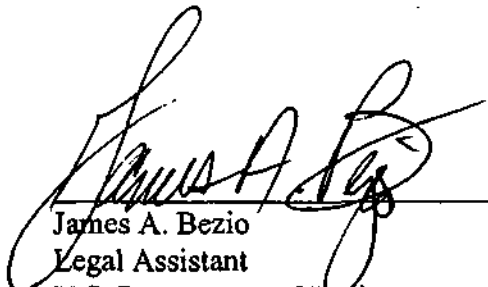
ROBERT R. HOMIAK
Senior Attorney
Environmental Enforcement Section
U.S. Department of Justice
999 18th Street, Suite 945, North Tower
Denver, CO 80202-2449
Phone: (303) 312-7353
Fax: (303) 312-7331

CERTIFICATE OF SERVICE

I certify that on December 21, 2004, I caused a copy of the foregoing **UNITED STATES' MOTION FOR ENTRY OF CONSENT DECREE**, and **UNITED STATES' MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF ITS MOTION FOR ENTRY OF CONSENT DECREE** to be served, via United States Mail, postage pre-paid, upon the following:

For ASARCO, Incorporated
The Corporation Company
1675 Broadway
Denver, Colorado 80202
(Agent Authorized to Accept Service
on Behalf of ASARCO, Inc.)

Douglas E. McAllister
Vice President, General Counsel and Secretary
Asarco, Incorporated
2575 East Camelback Road
Suite 500
Phoenix, Arizona 85016-4240



James A. Bezio
Legal Assistant
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section